



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,292	05/25/2001	Michael Ernst Aufrecht	1933.0010007	1241

26111 7590 03/13/2006

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

DONAGHUE, LARRY D

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/864,292	Applicant(s) AUFRICHT ET AL.	
	Examiner Larry D. Donaghue	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-14,28-32 and 37-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-14,28-32 and 37-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2154

1. Claims 10-14, 28-32 and 37-44 are presented for examination.
2. Applicant's arguments with respect to claims 10-14 and 28-32, have been considered but are moot in view of the new ground(s) of rejection.
3. Claims 10-14, 28-32 and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over AvantGo Server Administration Guide (AvantGo) in view of Boyd et al., (WO 98/38614).

AvantGo Server Administration Guide was cited by applicant.

AvantGo taught the invention (claims 10, 28, and 39) substantially as claimed including collecting information about the channels (page 69) and enabling the provider to access a web site using a password protected mechanism (pages 16-18).

AvantGo did not expressly teach displaying subscriber and usage information relating to the provider. This is taught by Boyd et al. (Boyd et al. page 1, lines 16-24 and page 7, line 14 – page 8, line 9 and page 5, line 33- page 6, line 33). It would have been obvious to combine these references for the reason set forth by Boyd et al. on page 1, lines 23-24).

As to claims 29 and 11, the combined teaching set forth subscriber information includes one or more of the number of users that are currently subscribed to a channel, the number of users that subscribe to the channel via default placement, featured placement, or access from a subscriber's own web site, the number of users who actually use the channel, information regarding the usage of the channel, trend information, zip codes, email addresses, and home addresses of the subscribers, and the type of devices used by the subscribers (particularly Boyd et al. page 1, lines 16-24 and page 7, line 14 – page 8, line 9 and page 5, line 33- page 6, line 33).

As to claims 30 and 12, the combined teaching set forth said usage information includes one or more of the number of people actively using the channel and the time period of use, wherein usage information is characterized according to one or more of geographic location of users, device type of users, and method of access by users (particularly Boyd et al. page 1, lines 16-24 and page 7, line 14 – page 8, line 9 and page 5, line 33- page 6, line 33).

As to claims 31 and 13, wherein said channel tracking information is displayed in the form of a canned report (Boyd et al., page 5, line 33 – page 6, line 33, particularly lines 9-13).

As to claims 32 and 14, wherein said channel tracking information is displayed in a form defined by the provider report (Boyd et al., page 5, line 33 – page 6, line 33, particularly lines 9-13).

Art Unit: 2154

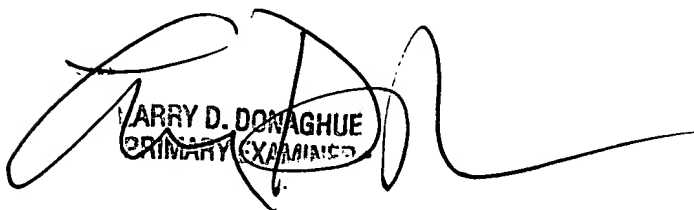
4. Claims 37-38 and 44 rejected under 35 U.S.C. 103(a) as being unpatentable over over AvantGo Server Administration Guide (AvantGo) and Boyd et al., (WO 98/38614) as applied to claims 10-14, 28-32 and 39-43 above, and further in view of Official Notice.

The following claim merely add fees to the existing operation of the claims, Official Notices is taken, that charges fee for services or access rights is well known in the art, as is evidenced by applicant enable of this element by a suggestion to do.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D. Donaghue whose telephone number is 571-272-3962. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LARRY D. DONAGHUE
PRIMARY EXAMINER